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## MONMOUTH COUNTY SHERIFF'S OFFICE

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Robert J. Dawson, Jr.  
Undersheriff

April 9, 2013

Federal Communications Commission  
Public Safety and Homeland Security Bureau  
Gettysburg, Pennsylvania 17326

Re: Request for Waiver of the Commission's Rules,  
Request to Extend Construction Period- WQGU308

Dear Sir or Madam:

On behalf of Monmouth County, New Jersey, this letter requests a waiver under section 1.925 of the Commission's rules. Monmouth County renews its request for additional time to construct and deploy its region wide trunked public safety communications system. The County asks for a waiver of Section 90.629 of the rules relating to the time period by which a system must be placed into operation. We ask for an additional twelve months to commence operations.

In early 2012, the County was moving forward to deploy the UHF trunked system. To address potential tropospheric propagation or ducting, it had undertaken a detailed analysis that resulted in a new frequency configuration. This broader diversity of frequency use, and resulting resiliency was intended to enhance the system's reliability. Pending modification applications, FCC No.0005112946 and 0005119629, proposed to adjust the frequency and site alignments and represented a critical element of the solution.<sup>1</sup>

As the Commission knows, on February 22, 2012, Congress passed and the President signed, Public Law 112-96, 126 Stat. 156 (2012). Section 6103 of the law, the Middle Class Tax Relief and Job Creation Act of 2012, provides that, not later than nine years after enactment, the Commission shall "reallocate the spectrum in the 470-512 MHz band" and "begin a system of competitive bidding under section 309(j) of the Communications Act of 1934 (47 U.S.C. 309(j)) to grant new initial licenses for the use of the spectrum." The section also provides that "relocation of public safety entities from the T-Band spectrum" shall be completed no later than two years after completion of the system of competitive bidding. On April 26, 2012, the Commission determined that implementing section 6103 required suspending accepting and processing of certain applications for Part 22 and 90 services in the 470-512 MHz spectrum band. The

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<sup>1</sup> Also pending before the Commission is File No. 0005134229, submitted on March 26, 2012, where the County requested additional time to deploy because of the efforts relating to the ducting environment. Great detail is provided in the waiver request.

Commission seeks to maintain a stable spectral landscape while it examines how to proceed. On June 7, 2012, the Commission clarified elements of its freeze Order.

Monmouth County's modification applications are subject to the Commission's suspension of T-Band applications.

With enactment of Public Law 112-96 and the Commission's suspension of T-Band modifications, the County faced enormous peril since it had already made a large investment toward the new trunked system. Significant deeper investment in the T-Band presents unknown risk. Long term and short term access to the T-Band is unpredictable and the alternatives unclear. At the same time, Monmouth County must improve wireless coverage and audio quality. For these reasons, the County's leadership determined to pursue authority in the 700 MHz band.

The County commenced work to obtain 700 MHz authority via the regional committee process. With a Region 8 application window closing on May 2012, significant technical and logistic work was committed to filing an application. In addition to the County's law enforcement and emergency services and engineering expertise, additional technical and legal resources were retained. Region 8 approved the application on September 19, 2013; concurrence with adjoining regions was completed on November 28, 2012. Following APCO frequency coordination, the Commission received the County's application on December 19, 2012. It completed its review on March 4, 2013 when it granted WQQU276 and WQQU279.

The 700 MHz channels make an enormous contribution to the goal of modernizing public safety communications throughout the County. Yet with only seven 700 MHz channels available and now authorized, capacity demands remain. For some period, until either 700 MHz or 800 MHz channels become available, use of UHF band frequencies will be required. As the County moves to deploy the 700 MHz infrastructure, it is examining how best to use the UHF band channels. The County's plea is that the construction deadline be extended until April 15, 2014 so that this analysis can be completed and a plan implemented.

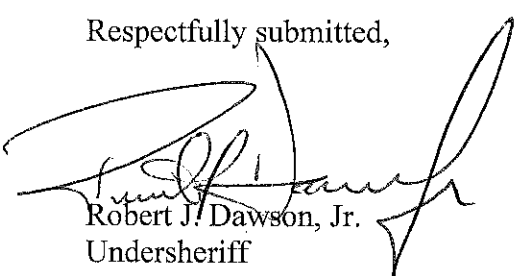
The County's circumstances are unique. No one envisioned the tremendous challenges now confronting T-Band users flowing from Section 6103 and the Commission's action freezing applications and modifications. Pursuing the 700 MHz band diverted resources and time that would have been committed to moving the UHF band forward to completion. Yet, the Commission can understand that the County's obligation to ensure that public monies be preserved required halting UHF build out and instead evaluating and pursuing reasonable alternatives that protected investment already made. Uncertainty accompanying how long 700 MHz channels would be available was also a factor. That additional work must now be committed to provide communications capacity to agencies and users not served by the 700 MHz band is a result of the unforeseen quandary facing all T-Band agencies.

Funding for the additional work is authorized and significant resources have been expended. We urge the Commission to consider and balance the enormous investment already made in the system in both public monies and the technical expertise committed by the County and that it would not be right to squander these resources. A waiver of the Commission's rules furthers the deployment of a modern integrated wireless voice and data communications system that can serve all first responders, including law enforcement, as well as other agencies throughout the County. We ask the Commission to grant a 12 month extension. A proposed schedule is attached.

Monmouth County reiterates its fidelity to the Commission's rules and its responsibility to manage the radio spectrum. Section 1.925(b)(3)(i) and (ii) of the rules states that the Commission may grant waivers if, among other reasons, "the underlying purpose of the rule(s) would not be served or would be frustrated by application to the instant case, and that a grant of the requested waiver would be in the public interest...." or in "view of unique or unusual factual circumstances of the instant case, application of the rule(s) would be in equitable, unduly burdensome or contrary to the public interest, or the applicant has no reasonable alternative." With significant work completed, substantial public monies expended, the record reflecting diligent efforts to construct the system and a projected schedule presented, the public interest will be well served by affording Monmouth County an additional 12 months. It asks the Commission to consider the circumstances as meeting the standards of rules 1.946 and 1.925.

We appreciate the Commission's consideration of this request and its commitment, as well as the 700 MHz regional committees, to assist public safety communications.

Respectfully submitted,



Robert J. Dawson, Jr.  
Undersheriff

Attachment

## **Project Schedule**

**Complete-** Determine and document requirements for County wide system, obtain approval from County leadership for project and its financing, prepare contract solicitation, obtain State of New Jersey approval, commence competitive acquisition through issuance of a Request for Proposal, Award Contract, provide a solution path to Tropospheric Propagation (ducting), commence licensing realignment, reexamine UHF in view of Pub. Law 112-96, determine to seek 700 MHz authorization, apply for and obtain authorization for seven 700 MHz channels.

April 2013 – Continue work on site approvals and installation for 700 MHz system

April 2013- Continue examination of UHF frequency needs, including agency UHF equipment circumstances and those services able to remain on UHF band as well as agencies transitioning to 700 MHz

August 2013 – Formulate UHF continuation plan and 700 MHz transition plan

September 2013- December 2013- Meet with municipalities and their related agencies and County agencies regarding UHF and 700 MHz plan

January 2014- Commence implementation of UHF plan

March 2014- Commence operations for 700 MHz system and initial UHF use